

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
CIVIL ACTION NO. 3:11-CV-597-FDW-DCK**

**THE FAIRPOINT COMMUNICATIONS, INC.)
ET AL. LITIGATION TRUST,)**

Plaintiff,)

v.)

**VERIZON COMMUNICATIONS, INC.,)
NYNEX CORPORATION, VERIZON NEW)
ENGLAND, INC., CELLCO PARTNERSHIP)
d/b/a VERIZON WIRELESS, and VERIZON)
WIRELESS OF THE EAST, L.P.,)**

Defendants.)

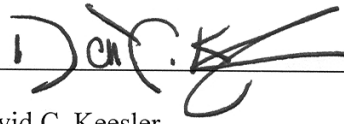
ORDER

THIS MATTER IS BEFORE THE COURT on “Plaintiff’s Motion For Leave To File A Sur-Reply To Defendants’ Reply Memorandum In Support Of Defendants’ Motion To Dismiss The Second Amended Complaint” (Document No. 81). This motion has been referred to the undersigned Magistrate Judge pursuant to 28 U.S.C. § 636(b), and immediate review is appropriate. Having carefully considered the motion and the record, the undersigned will deny the motion.

Counsel for the parties have informed the undersigned’s staff that the current motion is consented to, provided that Defendants are allowed an opportunity to respond with their own sur-reply and/or oral argument. However, in consultation with Judge Whitney’s chamber, the undersigned has determined that the instant motion should be denied. To the extent either party seeks oral argument on the pending motions, they shall file a request for such hearing.

IT IS, THEREFORE, ORDERED that “Plaintiff’s Motion For Leave To File A Sur-Reply To Defendants’ Reply Memorandum In Support Of Defendants’ Motion To Dismiss The Second Amended Complaint” (Document No. 81) is **DENIED**.

Signed: August 17, 2012



David C. Keesler
United States Magistrate Judge

